

AMENDED IN ASSEMBLY APRIL 1, 2013  
AMENDED IN ASSEMBLY MARCH 18, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 343**

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**Introduced by Assembly Member Patterson**  
**(Coauthors: Assembly Members Achadjian, Bigelow, *Chávez*, Dahle,**  
***Logue*, and Maienschein)**  
**(Coauthor: Senator Nielsen)**

February 13, 2013

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An act to add Chapter 9 (commencing with Section 17200) to Part 1 of Division 9 of the Food and Agricultural Code, relating to animals.

### LEGISLATIVE COUNSEL'S DIGEST

AB 343, as amended, Patterson. Animal cruelty: duty to report.

Existing law establishes a variety of offenses relating to cruelty to animals.

Existing law generally provides that a person that violates certain animal at-large provisions is guilty of a misdemeanor and upon conviction is required to be punished by a fine of not less than \$100 nor more than \$1,000, by imprisonment of not less than 10 days nor more than 1 year, or by both the fine and imprisonment, as prescribed.

This bill would require any person who willfully or knowingly photographs, records, or videotapes animal cruelty to provide a copy of the photograph, recording, or videotape to local law enforcement within 48 hours of taking the photograph, recording, or videotape, and would *make a violation of this requirement an infraction punishable by a fine of \$250. The bill would encourage the person to provide a copy of the photograph, recording, or videotape to the owner of the animal*

or poultry, or a representative of the owner. ~~This~~ *The* bill would define animal cruelty for its purposes as any act involving an animal, as defined, or poultry, as defined, described in prescribed criminal offenses.

Because a violation of the requirement to provide a copy of the photograph, recording, or videotape to local law enforcement, as prescribed, would be ~~a misdemeanor~~ *an infraction*, this bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 9 (commencing with Section 17200) is  
2 added to Part 1 of Division 9 of the Food and Agricultural Code,  
3 to read:

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5 CHAPTER 9. DUTY TO REPORT ANIMAL CRUELTY

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7 17200. (a) Any person who willfully or knowingly  
8 photographs, records, or videotapes animal cruelty shall provide  
9 a copy of the photograph, recording, or videotape to local law  
10 enforcement within 48 hours of taking the photograph, recording,  
11 or videotape. *A violation of this subdivision shall be an infraction*  
12 *punishable by a fine of two hundred fifty dollars (\$250).*

13 (b) *Retaliation against an employee for providing a copy of a*  
14 *photograph, recording, or videotape of animal cruelty as required*  
15 *by subdivision (a) is prohibited as provided in Section 1102.5 of*  
16 *the Labor Code.*

17 (b)

18 (c) Any person who willfully or knowingly photographs, records,  
19 or videotapes animal cruelty is encouraged to provide a copy of  
20 the photograph, recording, or videotape to the owner of the animal  
21 or poultry, or a representative of the owner.

22 (e)

1 (d) For purposes of this section, the following terms are defined  
2 as follows:

3 (1) “Animal” has the meaning set forth in Section 16302.

4 (2) “Animal cruelty” means any act involving an animal or  
5 poultry described in one or more of the following provisions:

6 (A) Subdivision (a), (b), or (c) of Section 597 of the Penal Code.

7 (B) Section 597a of the Penal Code.

8 (C) Section 597b of the Penal Code.

9 (D) Section 597c of the Penal Code.

10 (E) Section 597g of the Penal Code.

11 (F) Section 597h of the Penal Code.

12 (G) Section 597k of the Penal Code.

13 (H) Section 597n of the Penal Code.

14 (I) Section 597.1 of the Penal Code.

15 (3) “Poultry” has the meaning set forth in Section 18675.

16 SEC. 2. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution because  
18 the only costs that may be incurred by a local agency or school  
19 district will be incurred because this act creates a new crime or  
20 infraction, eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section 17556 of  
22 the Government Code, or changes the definition of a crime within  
23 the meaning of Section 6 of Article XIII B of the California  
24 Constitution.